IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE SECOND DAY OF SEPTEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE DR JUSTICE G.YETHIRAJULU

WRIT PETITION NO: 15724 of 2004

Between:

D.Hari Shankar, s/o Dharmaiah,
R/o Nagaram Shivar Village, Nizamabad Mandal and District.

..... PETITIONER

AND

The Asst.Director of Fisheries, Government of

Andhra Pradesh, Nizamabad.

.....RESPONDENT

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an appropriate writ, order or direction, particularly one in the nature of mandamus, declaring the action of the respondent in trying to interfere with petitioner's possession and enjoyment of the fish pond admeasuring Ac.3.00 situate in S.Nos.1350, 1271, 1272, 1283, 1284 and 1285 at Nagaram Shivar Village, Nizamabad Mandal and District, as illegal, arbitrary, unreasonable, without authority of law, violative of principles of natural justice and also violative of Articles 14, 19(1)(g), 21 and 300-A of the Constitution of India and issue a consequential direction to the respondent herein not to interfere with petitioner's possession and enjoyment of the above said fish pond.

Counsel for the Petitioner: MR.M.RAJAMALLA REDDY

Counsel for the Respondent : GP FOR FISHERIES

The Court at the stage of admission made the following:

HONOURABLE DR. JUSTICE G.YETHIRAJULU

WRIT PETITION NO.15724 OF 2004

ORDER:

The petitioner is the owner of a fish tank situated in an extent of Ac.3-00. He claims that he has been raising fish in the said tank. The grievance of the petitioner is that the respondent is coming to him and is orally saying that the petitioner is raising banned fish and he is trying to breach the bund to drain away water from the said tank.

2. The respondent being a Government officer is supposed to follow the procedure prescribed under law. If he has any prima-facie material that the petitioner is raising banned fish, he has every liberty to proceed against the petitioner, according to law through written proceedings.

3. The respondent is therefore, directed, if he is particular to take action against the petitioner, to proceed according to law through written proceedings.

4. The Writ Petition is accordingly disposed of. No order as to costs.

Dr. G.YETHIRAJULU, J

02nd September, 2004

SKM

Note:

Wire at party's cost.

B/o.

skm

TO

1 The Asst.Director of Fisheries, Government of

Andhra Pradesh, Nizamabad.

3 Two C.Cs. to G.P. for Fisheries, High Court

Buildings, High Court of A.P., Hyderabad (OUT)

4 Two C.D. Copies.